IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED STATES OF AMERICA,) Case Number 8:11MJ247				
	Plaintiff,					
	vs.	DETENTION ORDER				
JE:	SUS BELTRAN-ARIAS,					
	Defendant.					
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (I).					
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 					
C.	The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:					
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8:11-mj-00247-FG3 Doc # 9 Filed: 11/17/11 Page 2 of 3 - Page ID # 15 **DETENTION ORDER - Page 2** The defendant does not have any significant community Past conduct of the defendant: The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Supervised Release Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to __X__ deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: Prior Removal from USA (2009) Χ X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: Prior Convictions Domestic Assault 3rd Degree (2009) And Assault (2009) (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or

- (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
 - (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through

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			for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial	
			release.	
 (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the			
safety of the community because the Court finds that there is				
	probable cause to believe:			
		(1)	That the defendant has committed a controlled	
			substance violation which has a maximum penalty of	
			10 years or more.	
		(2)	That the defendant has committed an offense under	
			18 U.S.C. § 924(c) (uses or carries a firearm during	
			and in relation to any crime of violence, including a	
			crime of violence, which provides for an enhanced	
			punishment if committed by the use of a deadly or	
			dangerous weapon or device).	

(3) above, and the defendant has a prior conviction

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 17, 2011.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge